



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

**MAY 4 2001**

DOT-E 4052  
(FIFTH REVISION)

EXPIRATION DATE: March 31, 2003
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Boeing Company  
( Military Aircraft and Missiles Systems Group)  
Seattle, WA
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of aerosol formulation pressurized with nitrogen in a DOT 39 specification cylinder. This exemption provides no relief from any regulation other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.34 (d) in that the safety relief device requirement is waived, except as specified herein; and §§ 173.305 (c) and 175.3.
5. BASIS: This exemption is based on the application of The Boeing Company (Military Aircraft and Systems Group) dated April 11, 2001, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Compressed gases, n.o.s.*	2.2	UN1956	N/A

\* Non-poisonous, non-flammable and non-corrosive aerosol formulation pressurized with nitrogen.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a seamless DOT 39 specification cylinder having a volumetric capacity not exceeding 35 fluid ounces and a minimum bursting pressure of 300 psig. In addition:

b. Liquid contents of cylinder may not fill more than 55 percent of volumetric capacity (510 ml) at 70°F; nitrogen gas to occupy the remaining volume at a pressure not exceeding 80 psig at 70°F. The cylinder may not be liquid full at 130°F.

c. The safety relief device requirement prescribed in § 173.34(d) is waived.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Packages which have been marked "DOT SP 4052" prior to the issuance of this exemption may be transported under the terms of this exemption.

e. The cylinders must be shipped in accordance with § 173.301(k).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS:

A current copy of this exemption must be carried aboard each cargo aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

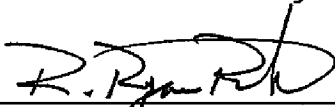
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 172.8, who performs a function subject to this exemption must be receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

  
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fn Robert A. McGuire  
Associate Administrator  
for Hazardous Materials Safety

MAY 4 2001

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC. 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM